

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

JENNIE M. WAHLE, )  
vs. )  
Plaintiff, )  
UNUMPROVIDENT, )  
Defendant. )  
CIVIL NO. 06-27-GPM

## **ORDER OF DISMISSAL**

**MURPHY, Chief District Judge:**

On May 16, 2006, Plaintiff filed a motion seeking to voluntarily dismiss this action without prejudice. Defendant has not filed a response.

Pursuant to Southern District of Illinois Local Rule 7.1(c), “[f]ailure to timely file an answering brief to a motion may, in the Court’s discretion, be considered an admission of the merits of the motion.” The Court exercises its discretion, and the motion for voluntary dismissal (Doc. 19) is **GRANTED**. This action is **DISMISSED without prejudice** pursuant to Federal Rule of Civil Procedure 41(a)(2). The parties shall bear their own costs.

## IT IS SO ORDERED.

DATED: 06/20/06

s/ G. Patrick Murphy  
G. PATRICK MURPHY  
Chief United States District Judge